



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2013-30 **LEGISTAR #:** 20131297

LANDOWNERS: Noel Palmer
P.O. Box 22
Lithonia, GA 30058

APPLICANT: Same as above

PROPERTY ADDRESS: 120-122 Gramling Street

PARCEL DESCRIPTION: Land Lot 02180, District 17, Parcel 0680

AREA: 0.24 ac. **COUNCIL WARD:** 3

EXISTING ZONING: R-4 (Single Family Residential – 4 units/ac)

REQUEST: R-4 (Single Family Residential – 4 units/ac) with additional use (duplex)

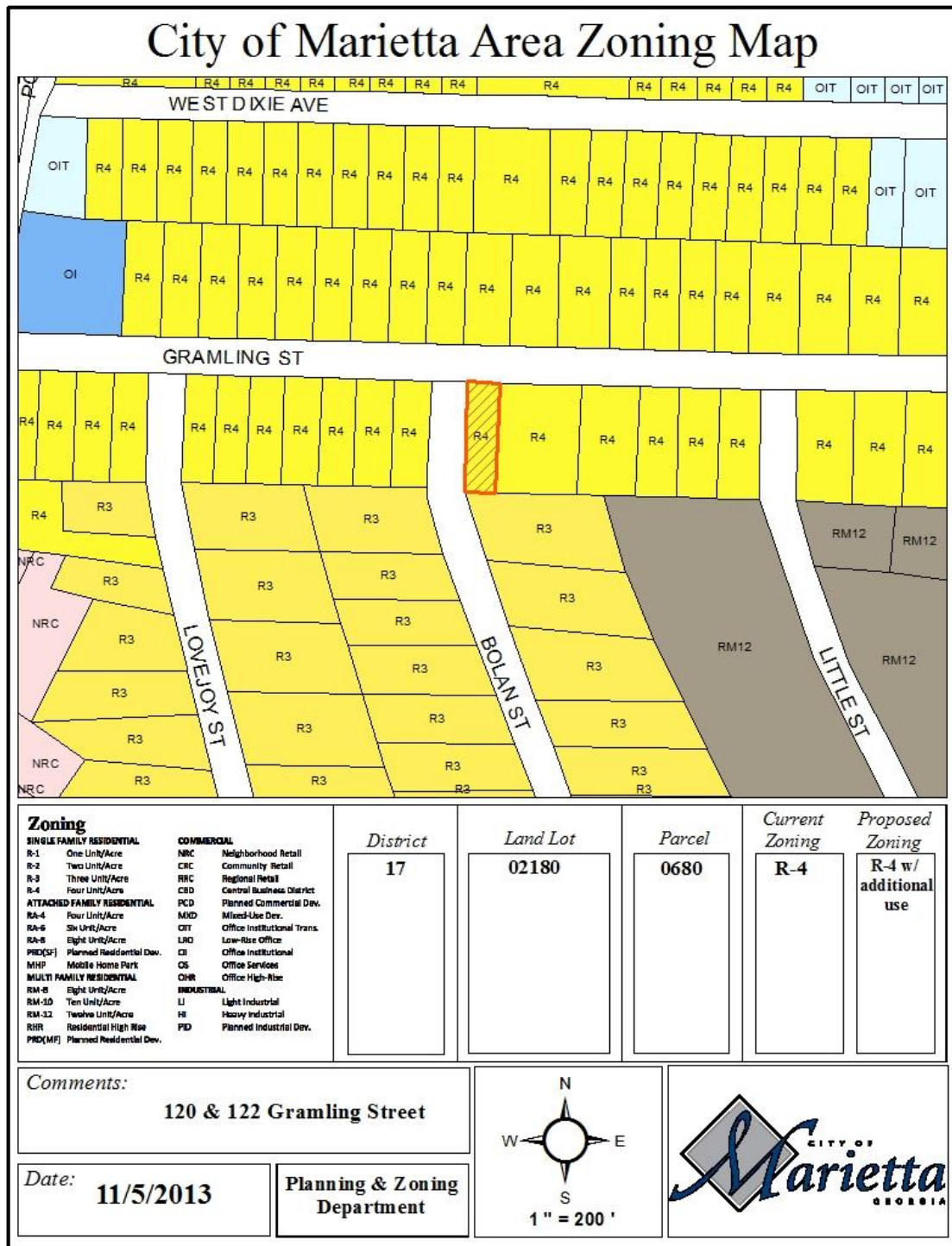
**FUTURE LAND USE MAP
RECOMMENDATION:** MXD (Mixed Use Development)

REASON FOR REQUEST: The applicant is requesting the rezoning of this property from R-4 to R-4 with an additional use so the property may be reestablished as a duplex.

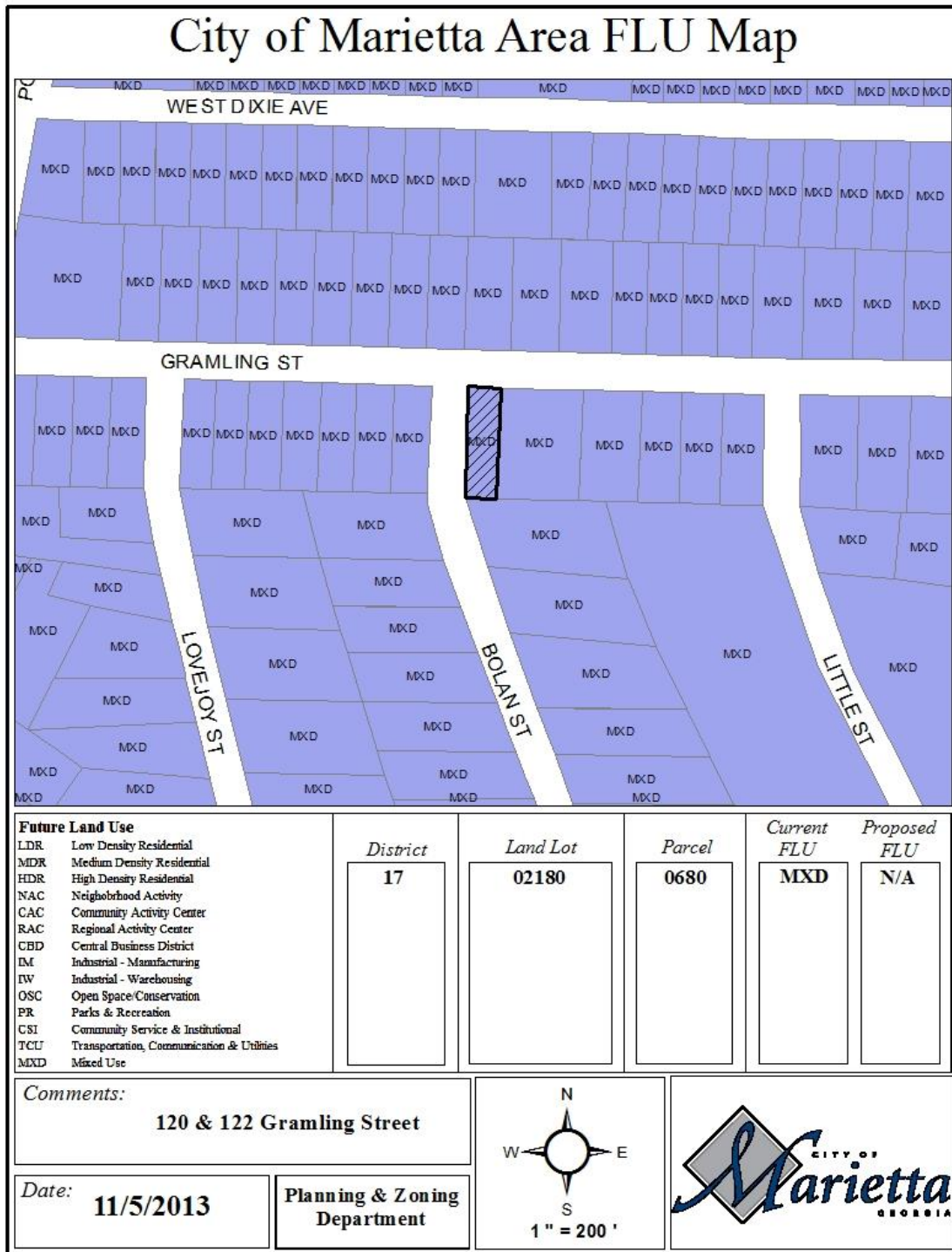
PLANNING COMMISSION HEARING: Tuesday, December 3, 2013 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, December 11, 2013 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



Subject Property (front view)



Subject property (side view)

STAFF ANALYSIS

Location Compatibility

Mr. Noel Palmer is requesting the property located at 120-122 Gramling Street be rezoned from R-4 (Single Family Residential – 4 units/ac) to R-4 (Single Family Residential – 4 units/ac) with additional use so the property may be legally reestablished as a duplex. The 0.24 acre parcel of property contains a residential structure that had been used as a duplex until it was vacated in 2006. Mr. Palmer bought the property in March 2010, and obtained a building permit in June 2010. (*This permit should not have been approved at the time due to the length of time that it had remained vacant. Section 706.02 of the Zoning Ordinance regarding Nonconforming Uses states that once the property has been vacant for more than 6 months, a nonconforming use cannot be reestablished.*) He began to renovate the structure and had electricity to one unit turned on in December 2010.

After obtaining the permit, Mr. Palmer established utilities on only one side of the duplex (120 Gramling Street). Mr. Palmer continued to work on the residence, but the last call for inspection – which kept the building permit active – was in July 2012. Building permits are only valid for six (6) months unless continued building activity is verified by an inspection. Mr. Palmer's permit expired on January 27, 2013, but he did not request any inspections or make contact with the permit office until September 2013. At that time, he was told that the permit had expired and that the nonconforming use status of the property had been lost.

With this request the applicant would like to reestablish the use of the property as a duplex.

Properties to the north, east and west of the property are zoned R-4, and all adjacent properties are used as duplexes. To the south, properties along Bolan Street are zoned R-3 (Single Family Residential – 3 units/ac) and are single family residences.

Use Potential and Impacts

The subject property was originally built as a duplex. According to Cobb County Tax Assessor records the structure was built in 1943, and aerial photographs of the area show that the entire subdivision was completed by 1961. Research into zoning regulations indicates that the 1974 Zoning Ordinance included duplexes, along with single family residences, as permitted uses under the R-10 zoning classification.

By the time the 1984 Zoning Ordinance was approved, duplexes were eliminated as a permitted use in R-10. So at that time, any duplexes that had already been built became nonconforming uses.

In 1998, a new Zoning Ordinance was approved, and under the zoning classification system, R-10 became R-4, which is the category under which the property is zoned today.

Section 706, Nonconforming Uses, allows a use that is nonconforming to continue, except that it cannot be “Reestablished after discontinuance for a continuous period of 6 months or 18 months during any 3 year period”. The intent of the nonconforming use clause in the Zoning Ordinance is to permit non-conformities to continue until they are removed, but not to encourage their survival. Marietta’s code is similar to many other codes, including Cobb County, in that “grandfathered” uses do not survive if disestablished for a period of time. Although some codes do allow more time for the uses to be discontinued before they expire completely.

The property had been vacant for almost four years by the time that Mr. Palmer bought the property in March 2010. He obtained a building permit in June 2010, and since then utility connections have been maintained for the unit identified as 120 Gramling Street. A meter was requested for the unit at 122 Gramling Street in December 2012, but no service was established for that unit. Mr. Palmer has stated that he has been continuously working on this property since June 2010, and that he has not called for an inspection since June 2012 because he was finishing the floors and doing other interior work that he did not think required an inspection. He was not aware that building permits were only valid for 6 months; unless inspections are requested to confirm that work is continuing.

All of the properties immediately adjacent to the subject property are also nonconforming duplexes. Further east, along Gramling Street and closer to Atlanta Street, there are no duplexes and all the residences are single family units.

In addition, there have been other properties in the City that have lost their nonconforming use status. In order to be occupied they have had to be renovated and converted physically to single family homes. These properties include:

- 253 McArthur Drive
- 269 McIntosh Avenue
- 450 Morningside Drive
- 447 Birney Street
- 233 Roosevelt Circle

The Future Land Use (FLU) of this parcel, as specified in the City’s Comprehensive Plan, is Mixed Use Development (MXD). The FLU serves as a guide for long-term growth and how development should occur over time and into the future. The purpose of a Mixed Use Development is to accommodate a planned development that includes both residential and non-residential uses in a pedestrian friendly environment. R-4 zoning is not compatible with the MXD Future Land Use, as this future land use designation anticipates redevelopment of the area. However, the R-4 zoning is compatible with the current development in the area.

Environmental Impacts

Any proposed changes to the site should be minimal so there should be no additional environmental impacts caused by the proposed request. There is no indication of any wetlands, streams, or endangered species existing on the property.

Economic Functionality

The Gramling/West Dixie/Hedges area was developed with a mix of duplexes and single family homes, probably during the 1940's-1950's, and while a few properties near Powder Springs Street and Atlanta Street have been changed to office uses, the majority of the properties have been used consistently as residences. Most of the duplexes are rental units, and many have deteriorated due to lack of maintenance. However, recent interest in renovating residences in this area indicates that the property is economically functional as currently zoned.

Infrastructure

There are two driveways off of Gramling Street, and each would appear to accommodate only one vehicle. Current regulations require 2 parking spaces per unit and the Zoning Ordinance prohibits parking on an unpaved surface. The driveways would need to be improved in order to accommodate 2 vehicles since on-street parking in the City is prohibited.

History of Property

There is no history of any variances, Special Land Use Permits, or past rezonings for this property.

Other Issues

Although the circumstances are slightly different, a property across Gramling Street – at 107-109 Gramling Street – is also vacant at this time, and is seeking to reestablish the duplex unit through the rezoning process.

ANALYSIS & CONCLUSION

Mr. Noel Palmer is requesting the property located at 120-122 Gramling Street be rezoned from R-4 (Single Family Residential – 4 units/ac) to R-4 (Single Family Residential – 4 units/ac) with additional use so the property may be legally reestablished as a duplex. The 0.24 acre parcel of property contains a residential structure that had been used as a duplex until it was vacated in 2006. Mr. Palmer bought the property in March 2010, and obtained a building permit in June 2010. *(This permit should not have been approved at the time due to the length of time that it had remained vacant. The Zoning Ordinance, in Section 706.02, Nonconforming Uses, states that once the property has been vacant for more than 6 months, a nonconforming use cannot be reestablished.)* Mr. Palmer's building permit expired on January 27, 2013, but he did not request any inspections or make contact with the permit office until September 2013. At that time, he was told that the permit had expired and that the nonconforming use status of the property had been lost. With this request the applicant would like to reestablish the use of the property as a duplex.

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Prepared by: _____

Approved by: _____

DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	n/a
Size of the water line?	10-inch
Capacity of the water line?	Flow test required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	n/a
Size of the sewer line?	8-inch
Capacity of the sewer line?	Available
Estimated waste generated by proposed development?	A.D.F Peak Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County



DRAINAGE AND ENVIRONMENTAL CONCERNS

Public Works – Engineering has no comments on these rezoning issues.

EMERGENCY SERVICES

Nearest city or county fire station from the development?	Marietta Station 54
Distance of the nearest station?	.8 miles
Most likely station for 1 st response?	Marietta Station 54
Service burdens at the nearest city fire station (under, at, or above capacity)?	None

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes X No

If not, can this site be served? Yes No

What special conditions would be involved in serving this site?

Additional comments:

DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS IMPACT ASSESSMENT:

MARIETTA CITY SCHOOLS

Elementary School System Servicing Development: Hickory Hills Elementary

Middle School Servicing Development: Marietta Middle School

High School Servicing Development: Marietta High School

Capacity at Elementary School: 400 - 500

Capacity at Middle School: 1300 - 1400

Capacity at Marietta Sixth Grade Academy: 800 - 900

Capacity at High School: 2500 - 2600

Current enrollment of Elementary School: 485

Current enrollment of Middle School: 1280

Current enrollment of High School: 2250

Number of students generated by present development: None

Number of students projected from the proposed development: Two

New schools pending to serve this area: None

Comments: